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**Why The U.S. Navy Should Not Be Fighting Piracy Off Somalia**

**by**

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**A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.**

**The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.**

**Signature: //original signed//**

**01 May 2009**

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## **Abstract**

Piracy off the coast of Somalia has surged at an unprecedented rate over the past year, causing dozens of nations to send warships to the region in an effort to secure a strategic maritime chokepoint through which 23,000 commercial vessels transit each year. The U.S. Navy is heavily invested in the area, leading a multinational, counter-piracy naval coalition organized as Combined Task Force 151 (CTF-151). However, in its current form, Somali piracy poses no legitimate threat to the national security of the United States and does not warrant the application of U.S. Navy operational assets toward its suppression. Through an analysis of the operational factors of space, time, and force, this paper will illustrate why the sea-based counter-piracy approach of CTF-151 will not succeed. It will also highlight strategic, legal, and economic reasons why the U.S. Navy should not be involved. It will discuss how a connection between Somali piracy and international terrorism would fundamentally change the equation, but that no such connection currently exists. Finally, the paper will offer the regional Geographic Combatant Commanders (GCCs) possible alternative courses of action, including an alternative operational scheme for CTF-151, worthy of consideration in formulating a long-term solution to the problem.

## Introduction

Incidents of piracy off the coast of Somalia have surged at an unprecedented rate over the past year,<sup>1</sup> a trend which does not appear to be showing any indication of slowing down.<sup>2</sup> Somali pirates are more organized, sophisticated, armed, and capable than ever before, displaying an operational range hundreds of miles from shore. They have successfully targeted freighters, cruise ships, yachts, fishing vessels, and even oil supertankers.<sup>3</sup> The response from the international community has been extraordinary. The United Nations Security Council passed four Resolutions from June through December 2008 specifically addressing the issue of Somali piracy.<sup>4</sup> The European Union dispatched its first ever naval force to the region in late 2008.<sup>5</sup> Other affected nations such as Russia, China, India, Pakistan, and South Korea have also deployed warships to the area in an effort to protect their commercial interests.<sup>6</sup> And the United States (U.S.) is arguably the most heavily invested off all, leading a multinational force of surface combatants and patrol aircraft, organized as Combined Task Force 151 (CTF-151) and commanded by U.S. Naval Forces Central Command (USNAVCENT).<sup>7</sup>

However, contrary to the claim made in the 2007 U.S. *Policy for the Repression of Piracy and other Criminal Acts of Violence at Sea*,<sup>8</sup> Somali piracy in its current form poses no legitimate threat to the national security of the United States and does not warrant the application of U.S. Navy operational assets toward its suppression. Operationally, the actions of CTF-151 are unlikely to yield significant tangible success. First of all, the sheer magnitude of the area involved, more than 1.1 million square miles of ocean, offers the 12 to 16 warships typically deployed on counter-piracy patrol at any given time an almost impossible task.<sup>9</sup> Further complicating the matter, operationally, is the fact that the total time between a

gang of pirates being spotted and a vessel being hijacked averages approximately 15 minutes,<sup>10</sup> which means a naval combatant would have to be virtually on site at the time of an attack in order to successfully intervene. When taken altogether, it becomes evident that there is essentially a complete imbalance in the operational factors of space, force, and time which favors the pirates and significantly reduces the Navy's chances for success.

Other factors also support the argument that the U.S. Navy should not be involved in combating piracy off the coast of Somalia. Strategically, the roots of the piracy problem lie ashore, and attacking piracy at sea only addresses the symptoms of the problem.<sup>11</sup>

Additionally, with only 1% of U.S. commerce transiting the area annually<sup>12</sup> and only one U.S. vessel having been hijacked to date,<sup>13</sup> U.S. interests are hardly at stake. Legally, few nations have displayed a capability or willingness to take on the issue of prosecuting pirates, often resulting in their release shortly after capture and nullifying operational efforts.<sup>14</sup>

Statistically, the true piracy threat off Somalia may actually be overstated;<sup>15</sup> an estimated 23,000 ships transit the Gulf of Aden annually,<sup>16</sup> and last year there were 111 piracy incidents,<sup>17</sup> a mere 0.5% of total traffic. Economically, with estimates on the total cost of piracy to the shipping industry ranging between \$1 billion and \$16 billion annually, compared to the trillions of dollars in annual global maritime commerce,<sup>18</sup> the impact thus far has been negligible.

The primary factor that would fundamentally alter the foundation of the arguments against using the U.S. Navy to combat piracy off Somalia would be evidence of a connection between Somali piracy and international terrorism. In fact, if Somali pirates were assessed to be conspiring with terrorists in such a way that jeopardized U.S. national security, or if they changed their modus operandi from hijacking for ransom to maritime terrorism, use of the

Navy would be wholly justified through such strategic documents as the *National Defense Strategy*,<sup>19</sup> the *National Military Strategy*,<sup>20</sup> and the *National Strategy for Maritime Security*.<sup>21</sup> However, to date, no corroborated link between Somali piracy and terrorism exists;<sup>22</sup> thus a distinction must be made between the two. And this distinction should be a key factor in determining who should be operationally involved in combating the problem. Right now, Somali piracy should be an issue primarily involving the private shipping industry and significantly affected nations,<sup>23</sup> not the U.S. Navy.

### **Defining Piracy**

Article 101 of the 1982 *United Nations Convention on the Law of the Sea (UNCLOS)* defines piracy as the following:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed-
  - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
  - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).<sup>24</sup>

There are two key aspects of the *UNCLOS* definition that are essential in determining who should be responsible for combating piracy. The first is the stipulation that piracy occurs “on the high seas” or “outside the jurisdiction of any state.” Inside a state’s territorial waters, such acts are considered armed robbery at sea, and enforcement is the responsibility of said state.<sup>25</sup> However, on the high seas, any nation may intervene against such acts by invoking the inherent right of individual and collective self defense authorized under *UNCLOS*, the

United Nations Charter, and customary international law. The primary caveat is that only ships or aircraft in government service may act on this authority.<sup>26</sup>

The second key aspect of the *UNCLOS* definition is the stipulation that piracy is “committed for private ends.” This explicitly distinguishes piracy from maritime terrorism, which generally involves exploitation of the maritime environment in order to achieve political, ideological, or religious goals.<sup>27</sup> Distinguishing between piracy and terrorism is not simply a matter of semantics; it should be a key factor in determining what type of force is applied to the problem.<sup>28</sup>

### **Somali Piracy by the Numbers**

According to the International Maritime Bureau (IMB), a specialized division of the International Chamber of Commerce (ICC) established in 1981 to serve as the world’s focal point in matters related to maritime crime, there were 293 incidents of piracy worldwide in 2008, an 11% increase over the 2007 figure of 263. Of the 293 total worldwide incidents, 111 (38%) took place in the Gulf of Aden or in the waters off Somalia’s east coast, an increase of more than 150% over the 2007 figure of 44 for the same region. Of the 111 incidents near Somalia, 42 vessels were actually hijacked, representing a success rate of 40%.<sup>29</sup> However, this success rate must be taken in the context of overall maritime traffic, as some 23,000 vessels transit these waters each year.<sup>30</sup>

Quantitative analysis regarding the true total cost of piracy is difficult for a number of reasons: numerous incidents go unreported, some incidents are fabricated or exaggerated, insurance premiums and cargo rates constantly fluctuate, and the cost of rerouting a vessel is dependent on multiple variables. Additionally, there is some disagreement among industry experts as to whether or not ransom payments should be included in the calculation.



Notwithstanding these difficulties, industry experts estimate that piracy costs the shipping industry somewhere between \$1 billion and \$16 billion per year, compared to annual global maritime commerce that measures in the trillions of dollars.<sup>31</sup>

### **General Factors Behind the Recent Increase in Piracy**

Two fundamental factors have traditionally been responsible for the emergence of piracy as a criminal enterprise: the tremendous volume of maritime commercial commerce, and the need for most vessels involved in global trade to transit congested maritime choke points. In addition to these two underlying factors, several others are contributing to the recent surge in piracy including: reduced manning onboard commercial vessels, the cost and difficulty associated with maritime surveillance, ineffective or non-existent coastal and port security, corruption within government and judicial systems, the worldwide proliferation of small arms, and the apparent willingness of many ship owners to pay increasingly large ransoms for the return of their vessels, cargoes, and crews.<sup>32</sup>

### **Factors Specific to Somalia's Piracy Surge**

In specifically addressing the recent surge in piracy incidents off the coast of Somalia, additional factors are worthy of examination. First of all, Somalia was at the top of the failed states index in 2008, a position it has hovered near for several years.<sup>33</sup> It has been in a perpetual state of virtual anarchy since the collapse of Muhammad Siad Barre's authoritarian government in 1991.<sup>34</sup> Somalia currently has no functioning central government, and the only official international military presence is an African Union peacekeeping force barely able to provide security around the airport outside of Somalia's capital city of Mogadishu. Under the current state of affairs, there is no body of authority within Somalia capable of challenging the growing economic attraction of piracy along its 2,000 miles of coastline.

The roots of piracy in Somalia date back to the collapse of the central government in the early 1990s, which invited uncontrolled exploitation of Somalia's economically crucial fishing grounds by the international community. As foreign commercial fishing vessels began operating in Somalia's traditional fishing grounds, often within Somalia's territorial waters, local Somali fishermen began arming themselves in an effort to quell the poachers. Initially, the Somalis simply demanded the payment of fines by the foreign fishermen. However, it soon became evident that hijacking the foreign vessels and demanding the payments of ransom for their return was much more profitable, and thus an economically enticing criminal enterprise began to flourish.<sup>35</sup>

Since its infancy almost 20 years ago, Somali piracy has matured substantially. Today it represents a financially lucrative business to a Somali people who have few other options, if any, to make a living. It has evolved into a sophisticated, organized crime conglomerate with some government officials allegedly serving as the main financiers in return for a stake in the ransom payments. Local economies along Somalia's coastline have been built up around piracy and are now literally dependent upon this criminal venture for their economic survival.<sup>36</sup> Some pirates refer to themselves as the Somali "coast guard,"<sup>37</sup> a claim that harkens back to the days when they were taking on the large foreign fishing vessels that were attacking their economic vitality. One Somali recently captured and charged with organizing piracy activities in the self-proclaimed autonomous region of Somaliland stated, "I agreed to engage in piracy because we wanted to get back at the illegal foreign vessels that were fishing in our waters, denying us a livelihood."<sup>38</sup> However, by expanding their target vessels to include luxury yachts, cruise liners, and oil tankers, the pirates' claim of acting in self defense of their way of life now seems far-fetched. Nonetheless, international

acknowledgment of the exploitation of Somalia's fishing grounds by foreign nations, along with the role such exploitation played in the roots of Somali piracy, will prove crucial in determining a solution to this growing problem.

### **United Nations Security Council Resolutions and Legal Complications**

Somalia's incapacity in dealing with its piracy problem, namely its inability to deter, capture, or prosecute its own pirates, led the United Nations Security Council to pass four Resolutions (UNSCRs) in 2008 specifically addressing Somali piracy.

- UNSCR 1816 (June 2, 2008) authorized for a period of six months states engaged in the fight against Somali piracy to "enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea."<sup>39</sup>
- UNSCR 1838 (October 7, 2008) urged "states interested in the security of maritime activities to take part actively in the fight against piracy on the high seas off the coast of Somalia, in particular by deploying naval vessels and military aircraft."<sup>40</sup>
- UNSCR 1846 (December 2, 2008) extended by twelve months the authorization initially established under UNSCR 1816 for foreign countries to pursue pirates into Somalia's territorial waters. It also urged all "parties to the [1988] SUA [Suppression of Unlawful Acts Against the Safety of Maritime Navigation] Convention to fully implement their obligations under said Convention ... to build judiciary capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia."<sup>41</sup>
- UNSCR 1851 (December 16, 2008) authorized for a period of twelve months states to "undertake all necessary measures that are appropriate in Somalia,"<sup>42</sup> essentially paving the way for attacks against piracy infrastructure ashore.

While the UNSCRs were successful in encouraging international participation in the fight against Somali piracy and loosening operational constraints imposed on counter-piracy forces, significant legal complications still surround the issue of prosecution. UNSCR 1846 went the furthest in attempting to establish a legal framework for prosecution, but it fell short in actually requiring states to accept suspected pirates.<sup>43</sup> Perhaps a better mechanism for prosecution may be bilateral agreements, such as the Memorandum of Understanding (MOU) between the United States and Kenya. Signed on January 16, 2009, the MOU states that Kenya will accept, with the intent to prosecute, suspected pirates captured by legitimate counter-piracy forces. Kenya also signed a similar agreement with the European Union.<sup>44</sup> Since the MOU went into effect, more than a dozen pirates have been turned over to Kenyan authorities and are awaiting trial. If history is any indication, Kenya's contribution will be significant – in 2006 the U.S. turned over 10 pirates to Kenya who were subsequently sentenced to seven-year jail terms.<sup>45</sup>

### **The International Response**

As of March 2009, more than 15 nations have deployed naval forces, including warships and aircraft, to combat piracy off Somalia's coast.<sup>46</sup> The European Union (EU) launched Operation *Atalanta* in December 2008, which represents its first ever naval operation and is scheduled to last for one year.<sup>47</sup> CTF-151 was established in January 2009 under the command of USNAVCENT, with a specific focus on "counter-piracy operations in and around the Gulf of Aden, Arabian Sea, Indian Ocean and the Red Sea."<sup>48</sup> Other nations such as Russia, China, India, Pakistan, and South Korea have also deployed warships to the area to protect their commercial interests.<sup>49</sup> Between the EU, CTF-151, and the other non-coalition nations contributing to the counter-piracy effort, there are typically 12 to 16

warships patrolling the area at any given time.<sup>50</sup> According to the Director of the IMB, these naval forces are making a difference off Somalia's northern coast, where there has been a "dramatic drop in successful hijackings ... although attempted attacks continue."<sup>51</sup> However, one could argue the true impact of the international naval presence has yet to be determined, especially considering that the nature of the response has been categorically defensive up to this point. Warships are focusing on protecting commercial vessels vice actually attacking pirates. Unless they are literally caught in the act of hijacking a vessel, the pirates are not being fired upon nor pursued to their safe havens on shore.<sup>52</sup> Additionally, assuming the IMB Director's claim is accurate, he goes on to state in the same interview that a spate of attacks has recently taken place off Somalia's eastern coast, an area which had 15 reported attacks for March, compared to zero and two for January and February, respectively.<sup>53</sup> Perhaps the international naval presence in the Gulf of Aden has simply caused the pirates to shift their area of focus elsewhere. Finally, it must be acknowledged that adverse weather may actually have been the driving factor behind the decline in attacks in the early months of 2009.<sup>54</sup>

### **Why the International Response Won't Work: An Analysis of the Operational Factors of Space, Time, and Force**

An analysis of the operational factors of space, time, and force as they pertain to the Navy's counter-piracy mission off Somalia illustrates why a sea-based approach simply will not work. As the discussion below will demonstrate, these operational factors all favor the pirates and place the naval forces called on to respond at a severe operational disadvantage.

**Factor Space.** The area where Somali pirates have displayed operational success encompasses more than 1.1 million square miles of ocean, roughly equivalent to an area four times the size of Texas.<sup>55</sup> The sheer magnitude of this operational area offers the pirates a marked advantage over the dozen warships attempting to interdict them. The Commander of

USNAVCENT has attempted to shrink the factor of space to a more manageable level by establishing a Maritime Security Patrol Area (MSPA), which essentially created a corridor within the Gulf of Aden where warships and patrol aircraft may focus their counter-piracy efforts.<sup>56</sup> However, the MSPA represents only a fraction of the pirates' demonstrated operational area, and attacks within the MSPA continue despite the increased naval presence. Additionally, because the MSPA represents only a sliver of the pirates' operational area, many pirates have simply shifted the focus of their attacks elsewhere. Attacks off Somalia's east coast increased dramatically in March, and more and more attacks are occurring further out to sea, away from the MSPA,<sup>57</sup> such as the hijacking of the Panamanian-flagged vessel *Nipayia* 490 nautical miles east of Mogadishu on March 25, 2009.<sup>58</sup>

**Factor Time.** Based on reporting data, the total elapsed time between a pirate sighting by a commercial vessel and that vessel being hijacked averages 15 minutes,<sup>59</sup> and the time required for pirates to actually scale a ship and get onboard averages three minutes.<sup>60</sup> With the factor of time being so compressed, a naval combatant on counter-piracy patrol would essentially have to be on site at the time of an attack in order to successfully intervene. When considered with the magnitude of the aforementioned factor of space, the likelihood of a warship simply being in a position to ward off a pirate attack against a commercial vessel is minimal.

Another element of the factor of time that complicates the Navy's operational scheme is that of sustainment. The U.S. *Countering Piracy off the Horn of Africa Partnership and Action Plan* calls for a "persistent interdiction-capable presence." However, it also states that this persistent presence will be "consistent with other U.S. mission requirements."<sup>61</sup> There is no doubt that successful counter-piracy efforts off Somalia will require a long-term, constant

maritime presence of some kind. However, given the enormous cost of naval deployments and the countless other missions the U.S. Navy is tasked with fulfilling, Navy ships are not a long-term, sustainable solution to the Somali piracy problem.<sup>62</sup>

**Factor Force.** According to a spokesman from USNAVCENT, 61 ships would be needed to effectively patrol the MSPA, which as previously discussed, represents only a minor portion of the 1.1 million square miles of ocean where pirate attacks have occurred off Somalia's coast.<sup>63</sup> Typically, there are a total of only 12 to 16 naval ships from CTF-151, the EU, and other non-coalition nations operating in the area. The size of the current force is simply insufficient to effectively deter the pirates or to protect the 23,000 commercial vessels that transit the Gulf of Aden each year.<sup>64</sup> To hazard a guess at the size of force that could effectively patrol the pirates' operational area would be an exercise in futility, as the required number of ships would be so high that no nation, or even coalition of nations, could realistically field such a force.

Another element of the factor of force that warrants some analysis is that of the pirates themselves. The more than 1,000 active Somali pirates (with more than 2,500 in training)<sup>65</sup> represent a truly unconventional force, operating primarily from low-tech skiffs<sup>66</sup> that are difficult to detect and cannot automatically be assumed to be involved in piracy. Additionally, the mother ships from which some pirates operate are equally difficult to distinguish from fishing trawlers or dhows engaged in legitimate business. According to one officer participating in the EU's Operation *Atalanta*, "it is very hard to identify a pirate ... someone who claims to be a legitimate fisherman in the morning may be a pirate in the afternoon; it's not easy to see the difference in many cases."<sup>67</sup> So not only is the naval force

insufficient in size to effectively patrol the pirates' waters, but simply identifying the enemy force adds yet another complicating factor.

### **Other Factors Against a U.S. Navy Response**

Other factors also support the argument that the U.S. Navy should not be involved in combating piracy off the coast of Somalia. From a strategic perspective, most experts, including the Commander of CTF-151, acknowledge that attacking piracy at sea only addresses the symptoms of the root cause of the problem, which lies ashore.<sup>68</sup> And to date, no kinetic actions have been taken against Somalia's land-based safe havens to complement the sea-based efforts of the Navy.<sup>69</sup> Additionally, only one U.S. vessel has been hijacked off Somalia since the piracy surge,<sup>70</sup> and only 1% of U.S. commerce transits the area each year;<sup>71</sup> therefore one may argue that U.S. interests are hardly at stake, and the potential return on investment is minimal.

From a legal perspective, the issue of jurisdiction is fairly straightforward, but few nations have displayed a willingness to tackle the issue of prosecution, which often results in captured pirates simply being sent back ashore, thereby frustrating the efforts of operational forces.<sup>72</sup> Kenya's recent willingness, via a Memorandum of Understanding with the United States and the European Union, to accept captured pirates with the intent to prosecute may help alleviate this issue,<sup>73</sup> but it is still too early to say with any certainty.

From a purely statistical perspective, one may argue that the true piracy threat off Somalia is overstated.<sup>74</sup> For example, an estimated 23,000 ships transit the Gulf of Aden annually,<sup>75</sup> and last year there were 111 piracy incidents,<sup>76</sup> a mere 0.5% of total traffic.

Finally, from an economic perspective, the impact has been minor. Estimates on the total cost of piracy to the shipping industry range between \$1 billion and \$16 billion



annually, which pales in comparison to the trillions of dollars in annual global maritime commerce.<sup>77</sup>

### **A Connection Between Somali Piracy and Terrorism Would Change Everything**

*A Cooperative Strategy for 21<sup>st</sup> Century Seapower*, signed in October 2007, by the service chiefs of the United States Navy, Marine Corps, and Coast Guard, includes piracy as one of the threats short of war that must be mitigated in order to maintain security at sea.<sup>78</sup> However, this document in and of itself does not necessarily justify the use of the U.S. Navy in combating piracy off the coast of Somalia. What would justify the use of the Navy would be evidence of a connection between Somali piracy and international terrorism. Such a connection would essentially negate the arguments presented thus far, as use of the Navy in combating terrorism would be wholly justified through such strategic documents as the *National Defense Strategy*,<sup>79</sup> the *National Military Strategy*,<sup>80</sup> and the *National Strategy for Maritime Security*.<sup>81</sup>

However, no corroborated nexus between Somali piracy and terrorism currently exists. The U.S. *National Strategy for Maritime Security* suggests that “the capabilities to board and commandeer large underway vessels – demonstrated in numerous piracy incidents – could also be employed to facilitate terrorist acts.”<sup>82</sup> This is certainly a plausible scenario, but one that has yet to manifest itself; and there is little evidence to suggest that Somali pirates are driven by anything other than money.<sup>83</sup> Some reports suggest a link between the Somali pirates and the terrorist group Al-Shabaab;<sup>84</sup> however, other sources refute such links claiming that Al-Shabaab is the only group in Somalia who has publicly denounced piracy because it is forbidden under Islamic law.<sup>85</sup> Perhaps the strongest argument against a connection between piracy and terrorism was provided in a 2008 study conducted by the

*RAND Corporation* which concluded that “the presumed convergence between maritime terrorism and piracy remains highly questionable ... to date, there has been no credible evidence to support such speculation about this nexus.”<sup>86</sup>

Notwithstanding the possibility that a future link between Somali piracy and terrorism could be established, for the time being, a distinction must be made between the two. And this distinction should be a key factor in determining whether or not the U.S. Navy should be operationally involved in combating piracy. For the time being, Somali piracy should be an issue primarily involving the private shipping industry and significantly affected nations, not the U.S. Navy.

### **Other Possible Courses of Action**

The Commander of USNAVCENT recently stated that “ultimately, we knew the solution to the problem of piracy is ashore in Somalia itself. Therefore, I focused the coalition maritime efforts on security and stability ... operations at sea that would give the international community time to address the long-term solution.”<sup>87</sup> Similarly, the Commander of the EU’s Operation *Atalanta* stated that “we cannot eradicate piracy with warships alone.”<sup>88</sup> There is a virtual unanimous consensus among military leaders and analysts alike that a sea-based approach to combating piracy off Somalia will not succeed without some level of effort against the root of the problem on land. However, putting U.S. troops on the ground in Somalia to attack pirate sanctuaries is not currently a viable or realistic option given the current ground commitments of the U.S. military worldwide. Therefore, it appears the Navy will continue to hold the lead operational role for the United States in the fight against Somali piracy. In this light, the following proposed courses of action may be worthy of consideration by the Geographic Combatant Commander (GCC), be

it the GCC from Africa Command or Central Command, in formulating a long-term solution to the problem.

**Establish a Maritime Exclusion Zone around Somalia.** If the Navy is going to continue to play the lead role in combating piracy off Somalia, a shift in the operational scheme would make better use of the scarce resources currently deployed. Rather than conducting counter-piracy patrols within the MSPA, a blockade of Somalia's main pirate ports would almost certainly make it more difficult for pirate ships to launch operations or to return to their ports with captured vessels. Blockading Somalia's 2,000 miles of coastline is not feasible with the current size of the naval force in the area, but focusing on such established pirate ports as Eyl and Bargaal is certainly possible, and at the very least, it would disrupt the pirates' operational cycle.<sup>89</sup>

**Assist other East African nations in building coastal patrol capacity.** Because Somalia clearly does not possess a coastal patrol capability, other East African nations must become involved. Initiatives focused on building coastal patrol capabilities of such East African nations as Kenya and Tanzania should be at the forefront of the U.S. Africa Command's (AFRICOM) Theater Security Cooperation Plan. At the very least, AFRICOM should be advertised as a resource that African nations may lean on for training, technical assistance, and expertise.<sup>90</sup>

**Leverage the relative stability of Somaliland.** Northern Somalia is divided into two distinct regions, Somaliland and Puntland. Puntland is characterized by its lawlessness and instability, and it has become a virtual sanctuary for pirates. Somaliland on the other hand is relatively stable and, according to a leading analyst on Somalia, "is without question the most promising regional polity."<sup>91</sup> There are even some reports that Somaliland operates its own

pseudo coast guard that has successfully interdicted and imprisoned pirates emanating from neighboring Puntland.<sup>92</sup> Although Somaliland's stability must be judged in the appropriate relative context, if the international community is ever going to attempt to dismantle the land-based pirate safe havens, Somaliland might prove a useful ally and staging location.

**Protect Somalia's fishing grounds from illegal poaching.** As stated earlier, one of the root causes of the Somali piracy problem is the inability of Somalia to prevent the illegal poaching of fish from its waters by other nations. While the current state of Somali piracy may no longer be characterized by fishermen simply trying to protect their way of life, this root problem must nonetheless be acknowledged and eventually addressed by the international community. Once the current piracy surge has been stemmed, assisting Somalia in finding a way to protect their fishing grounds from illegal poaching must be an integral part of the long-term solution.<sup>93</sup>

### **Conclusion**

Piracy off the coast of Somalia represents a significant and growing challenge to a region already beleaguered by instability and civil unrest. The inability of Somalia or its neighbors to quell this thriving criminal enterprise has resulted in an unprecedented international response, with the U.S. Navy playing a leading role. However, use of the Navy in chasing down criminals in the open ocean is not only unwarranted, it is arguably a waste of precious military resources. In its current form, Somali piracy does not constitute a legitimate threat to the national security of the United States and should not involve the U.S. Navy in its suppression. Strategically, most experts agree that the long-term solution to the problem lies ashore where the pirates have been able to establish safe havens and infrastructure with relative impunity.<sup>94</sup> Operationally, the Navy's task of interdicting an

unconventional force exploiting 1.1 million square miles of ocean<sup>95</sup> through which 23,000 commercial vessels transit annually<sup>96</sup> is virtually impossible. So rather than continuing with sea-based counter-piracy patrols, which are unlikely to yield much in terms of tangible success, the regional GCCs must explore other options that enable Somalia and its East African neighbors to solve the problem primarily on their own. Until Somali piracy transcends the line between criminal activity and international terrorism, it should remain an issue for significantly affected nations and the private shipping industry,<sup>97</sup> not the U.S. Navy.

## Notes

(All notes appear in shortened form. For full details, see the appropriate entry in the bibliography.)

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